

Tuesday - April 10, 1990 - 4:00 P.M.

Regular Meeting

Present: Mayor Kenneth M. Michalove, Presiding; Vice-Mayor

William G. Moore; Councilmen Mary Lloyd Frank, Norma T. Price, Wilhelmina Bratton, Eugene W. Ellison and William W. Estes; Corporation Counsel William F. Slawter; City Manager Douglas O. Bean; and Associate

City Manager/City Clerk William F. Wolcott, Jr.

Absent:

INVOCATION

The invocation was given by Councilman Ellison.

APPROVAL OF MINUTES

Mayor Michalove announced the approval of the minutes of the April 3, 1990 meeting as submitted.

I. PROCLAMATIONS:

C. Proclamation - "Spring Cleaning Week" -

April 22-28, 1990

Mayor Michalove proclaimed the week of April 22 - 28,

1990 as "Spring Cleaning Week".

D. Proclamation - "Victim Rights Week" -

April 22-28, 1990

Mayor Michalove proclaimed the week of April 22 - 28,

1990 as "Victim Rights Week".

II. PUBLIC HEARINGS:

III. OLD BUSINESS:

A. Continuation of public hearing relative to Minority and

Women Business Procurement Plan.

Resolution No. 90-50 - Resolution adopting Minority

Business Plan

Mayor Michalove said the Minority and Women Business

Procurement Plan includes the Policy of the City with regard to providing equal opportunity for minority and women owned business enterprises (M/WBE) in all aspects of City contracting and purchasing programs. The plan

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also includes goals for M/WBE participation and

describes responsibilities of the City and contractors to enhance efforts to meet the goals.

Mayor Michalove said this public hearing was held on

March 20, 1990 and continued until April 10, 1990.

The City Manager said a number of changes have been made

to the Procurement Plan since originally proposed in order to bring the plan into conformance with state law and the resolution previously adopted by Council regarding minority contractors. He said the Minority and Women Business Committee reviewed the recommended changes and recommended approval of the plan.

Councilman Bratton said she needed to leave the session

but she noted that she was in favor of the Minority Business Plan and was leaving the meeting unexcused in order that her vote be counted as an "aye" vote.

Upon inquiry of Councilman Price, the City Attorney said

the Plan was changed from Minority and Women Business Procurement Plan to Minority Business Plan to be consistent with state law.

Mike Plemmons, with the Central Independent Business

Organization, said it was the consensus of the business groups that the plan be adopted.

Liz Dayton, representing National Women in Construction

and a member of the Minority Task Force, recommended adoption of the plan. She said she felt the plan would need on-going input from individuals directly affected by the plan.

Jackie Howland, with the National Black Leaders

Association, spoke in support of the plan. She said her association would be monitoring the plan.

Marilyn Bass, with the YMI Cultural Center, spoke in

support of the plan and requested that the Minority Coordinator be established as soon as possible. She recommended that the Minority Coordinator be under the

Community Development office.

Lennie Sitnick, 90 Gertrude Place, encouraged the hiring

of the Minority Coordinator as soon as possible.

Mayor Michalove closed the public hearing at 4:24 p.m.

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Mayor Michalove said members of Council were previously

furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Frank, seconded by Vice-Mayor

Moore, Resolution No. 90-50 was unanimously adopted.

Resolution Book No. 18 - Page 112 - 113

B. Ordinance No. 1838 - Second reading of an ordinance

regulating the operation of horse-drawn carriages in the City.

Mayor Michalove said the Code as it is currently

constituted does not provide for the operation of horse drawn vehicles in the City. These changes would allow this type of business.

The City Attorney advised that the ordinance has been

revised since first reading to incorporate concerns from several groups. He said some of the changes in the ordinance include provisions for turn signals on the carriages; lights on the carriages; design standards (incorporated from the Charleston, South Carolina ordinance); temperature of the horses; ratio of weight of passengers to weight of carriage; examination by veterinarian more than once a year; manure, urine and other waste from horses; safety of the carriage; poly-urethane shoes; and the type of horses to be used.

Councilman Bratton returned to the meeting at 4:45 p.m.

The following individuals spoke in opposition to the ordinance stating concerns about traffic problems and cruelty to animals:

Jean Worth, Redwood Road

Lennie Sitnick, 90 Gertrude Place (recommended that if adopted an Advisory Board be established to help regulate)

Jill Wilson, Beaver Valley Road

Beth Bentsue, 637 Jupiter Road

Lillian Powell, 637 Jupiter Road

Teresa Wible, Beverly Road

Resident from 8 Claxton Place

Lynn Howard, 40 Baker Place, President of Friends of Animals

Dottie Goodman, 1865 Leicester Highway, representing Humane Society

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Phil Snyder, representing southern section of the Humane

Society of the United States

Bill McKeley, Swannanoa - representing Friends of Animals and ASPCA.

Sally Rhodes, 456 Merrimon Avenue

Tom Koun, Swannanoa - veterinarian

Roger McGuire

Cecil Blackwell

Mike Rosko

Dershie McDevitt

Phil Snyder

The following individuals spoke in favor of the

ordinance:

June Grant

David Wynn

Pat McGuire

Jesse Ray Sr.

Charles Smith

Don Martell

Mr. Robert Fleming stated again that his first concern is

the safety of the animals.

Councilman Ellison mentioned several concerns in the

ordinance, i.e. a consistent means of taking the animal's temperature, heat, licensing with training, lights on the carriages, limitation on number of hours an animal can

work, etc.

After much discussion relative to concerns the Council

had in addition to the concerns that the opposition voiced, the Police Department was instructed to provide a report relative to the number of accidents involving horse-drawn carriages in other cities and the City Attorney's Office (with direction from the Downtown Development Department) was instructed to draft another revised ordinance addressing some of the concerns

addressed at this meeting.

On a roll call vote of 7-0, Ordinance No. 1839 passed on

its second reading.

IV. NEW BUSINESS:

A. Final plat approval of Phase I of Forest Lake

Subdivision.

Verl Emrick, Executive Assistant for the Planning

Department, stated that on February 14, 1990, the

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Asheville Planning and Zoning Commission reviewed and

approved, subject to the granting of variances for street design, the preliminary plat for Forest Lake Subdivision. He said that the 135 lot subdivision is located off Rock Hill Road. The City Council granted the requested variances on March 13, 1990. He said the developers have submitted the final plat for Phase I, containing 13 lots, to the Planning Department for review and approval. He said the final plat for Phase I of Forest Lake Subdivision complies with the City of Asheville's Subdivision Regulations and that this section of the subdivision is located outside the City limits in the City's extraterritorial jurisdiction. He stated that improvements do not have to be constructed prior to final plat approval in subdivisions located outside the City limits.

Councilman Ellison moved to approve the final plat of

Phase I of Forest Lake Subdivision. This motion was seconded by Councilman Estes and carried on a 5-2 vote with Vice-Mayor Moore and Councilman Frank voting "no."

B. Resolution No. 90-51 - Resolution authorizing the

Housing Authority of the City of Asheville to acquire property located near the Asheville Regional Airport.

City Manager Douglas Bean stated that the Housing

Authority has requested that the City Council pass a resolution authorizing the Housing Authority to act as the agent for the City of Asheville in the acquisition of property located near the Asheville Regional Airport.

Councilman Ellison asked that the resolution be

corrected to state that all expenses incurred in connection with the purchase of said property, whether by condemnation or by voluntary purchase, including the cost of the property, attorney's fees and other expenses, be paid by the Airport Authority.

Mayor Michalove said that members of Council were

previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Ellison, seconded by Vice-

Mayor Moore, Resolution No. 90-51 was unanimously adopted with the above-noted change.

Resolution Book No. 18, Page 114.

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C. Resolution No. 90-52 - Resolution directing the City

Clerk to advertise an offer to purchase for upset bids regarding property on Sunset Mountain.

City Manager Douglas Bean stated that the City owns a

strip of land on Sunset Mountain, off of Blue Briar Road. He said that adjacent property owners, Mr. and Mrs. C. Foster Aldridge, have made an offer to purchase the property in the amount of \$2,000. He said that this resolution would authorized the City Clerk to advertise the offer.

Mayor Michalove said that members of Council were

previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Ellison, seconded by

Councilman Frank, Resolution No. 90-52 was unanimously adopted.

Resolution Book No. 18, Page 115.

D. Resolution No. 90-53 - Resolution appointing member to the Asheville Fair Housing Commission.

City Manager Douglas Bean stated that the term of office

of Glenda S. Burgin as a member of the Asheville Fair Housing Commission expired on December 31, 1989. He stated that this resolution would reappoint Ms. Bernadette Thompson as a member of the Asheville Fair Housing Commission to a three year term, term expiring December 31, 1992.

Mayor Michalove said that members of Council were

previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Councilman Estes, seconded by Councilman

Frank, Resolution No. 90-53 was unanimously adopted.

Resolution Book No. 18, Page 116.

V. CONSENT.

None.

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VI. OTHER BUSINESS.

A. Report relative to Beer and Wine Permits.

A letter was introduced from Ms. Suzanne Lewis of Route

7, Box 899, Fairview, North Carolina, dated April 5, 1990, to the City Manager stating that "I am requesting that the City Council take an official vote and withdraw its objections to my receiving a beer permit for 231 Montford Avenue from the ABC Commission. I am informed that the appeal process will cost me between \$3,000 and \$5,000. Since the city's objection is the only reason I have to appeal I ask for a letter to the ABC Commission in Raleigh in order to avoid my having to pay so much money for this permit that I am entitled to receive."

Mr. Charles Penny, Assistant City Manager, stated that

he spoke with Doug Robinson of the ABC Commission and Mr. Robinson informed him that there is no fee to the applicant to appeal a denial to the Commission. He said that the Commission would come to the community, hold the hearing, and there would be no cost assessed to the applicant. He did say, however, the cost of appeal the denial comes into play if the applicant chooses to have legal representation in the administrative proceedings. He said the cost would basically be the legal fee that the applicant's attorney would charge them for representing them in the proceeding.

It was the consensus of the Council to have the City

Manager prepare a draft procedure that the Council could look at in addition to adopting a policy relative to matters like this.

B. Resolution No. 90-54 - Resolution to continue grant

appropriation for Project HAND.

Steve Evans, Administrative Assistant of the Asheville

Police Department, said that Project HAND is a police and Housing Authority effort to reduce the criminal use and abuse of drugs in Asheville's public housing communities. He explained that a grant to support law enforcement drug countermeasures in Asheville's public housing communities has been submitted. He said that the grant period begins July 1, 1990, and continues through June 30, 1991. He said the Police Department started this project on November 1, 1989, with local funding and this budget amendment will establish the appropriation for the City's share.

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Mayor Michalove said that members of Council were

previously furnished copies of the resolution and it would not be read in its entirety.

Upon motion of Vice-Mayor Moore, seconded by Councilman

Price, Resolution No. 90-54 was unanimously adopted.

Resolution Book No. 18, Page 117.

C. Report on Pisgah Legal Services' comments to amend the

Statement of Community Development Objectives and projected use of funds.

City Manager Douglas Bean, highlighted a report dated

April 9, 1990, to the comments Pisgah Legal Services made relative to the Community Development Block Grant Program. The complete report is attached hereto and made a part of the minutes.

After discussion relative to this report, it was the

consensus of the Council to hold a work session relative to the Community Development Block Grant program.

**D. Group Development - Turf Operations Center, Country Club
of Asheville**

Gerald Green of the Planning Department and the City

Council adopted a procedure whereby the Planning Director reports final recommendations of the Planning and Zoning Commission relative to group developments at the next scheduled regular meeting of the City Council. The action of the Commission shall be final unless the City Council determines at their meeting to schedule a public hearing on the matter. The following action was taken by the Planning and Zoning Commission at their meeting on April 4, 1990:

City Manager Douglas Bean stated that the Country Club

of Asheville proposes to contract a 6,000 square foot building in which to house equipment and supplies used to maintain the golf course. He said that located approximately 330 feet from the existing maintenance shed, the proposed turf operations center will be accessed by an existing paved drive. The turf operations center will be buffered from residential uses on Inglewood Road by existing trees and vegetation. He said that after reviewing the site plan for the project and hearing the staff report, the Planning and Zoning Commission voted to recommend approval of the group development request.

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It was the consensus of Council to accept the action of the Asheville Planning and Zoning Commission as final.

E. Scheduling a public hearing relative to horse stables.

Councilman Price moved to schedule public hearing on May

1, 1990, relative to an ordinance allowing horse stables in certain zoning districts. This motion was seconded by Vice-Mayor Moore and carried unanimously.

F. Appeal of Jackie V. Babb from the decision of the

Disability Review Board for the Asheville Police Officers and Firefighters.

At the request of Gary Dodd, attorney for Mr. Babb, due

to the lateness of the time, this matter was postponed, to be rescheduled at a later date.

After some discussion relative to this appeal process,

the Council instructed the City Attorney to draft an ordinance amending the ordinances establishing the Disability Review Board so as to delete the City Council from the appeal process.

G. Claims

The following claims were received by the City of

Asheville during the week of April 2 - 6, 1990: Thomas Gassaway (Sewer), Joseph Travaglini (Parks), and two Asheville Cablevision claims (Water).

These claims have been referred to the appropriate insurers for investigation.

H. Adjournment.

The meeting of April 10, 1990, was adjourned at 7:45

p.m.

CITY CLERK MAYOR
